IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 27885 of 2007(T)

PETITIONER:

ARCHANA PIUS, AGED 33 YEARS,
D/O PIUS JOSEPH, PUTHEN PURAKKAL HOUSE,
KANDACHIRA, MANGAD VILLAGE, KOLLAM TALUK.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

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1. THE DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM.

2. THE SUB INSPECTOR OF POLICE,
KOLLAM WEST POLICE STATION, KOLLAM.

3. THE PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, THIRUVANANTHAPURAM.

4. SHINE, AGED 34 YEARS,
SON OF GOPALAN NAIR, NIRMALYAM, PUTHEN MADOM,
THEVALLY, KOLLAM.

5. SANTHAMMA, AGED 62 YEARS,
WIFE OF GOPALAN NAIR, RESIDING AT NIRMALYAM,
PUTHEN MADOM, THEVALLY, KOLLAM.

6. GOPALAN NAIR, AGED 64 YEARS,
RESIDING AT NIRMALYAM, PUTHEN MADOM,
THEVALLY, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

GOVERNMENT PLEADER ADV.SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 27885 of 2007 T

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Dated this the 27th day of September, 2007

O R D E R

The grievance of the petitioner is that a private complaint filed by her before the learned Magistrate, which was referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. though received by the police, no action was taken by the police. The said complaint was filed on 30.7.07.

2. Notice was taken by the learned Prosecutor. He now submits that the F.I.R. has been registered on 14.9.2007 for offence punishable under Section 380 r/w. 34 I.P.C. The petitioner is the wife of the first accused. A2 and A3 are her parents-in-law.

3. The crux of the allegations is that the passport, travel and residence documents of the petitioner, which would facilitate her continuing her employment at Canada, are clandestinely removed by accused 1 to 3. The learned counsel for the petitioner submits that the petitioner has to return to her place of employment positively before November, 2007. If the investigation is not completed by then and unless the travel documents are searched and recovered, it

would cause very great hardship, prejudice and loss to the petitioner. The petitioner apprehends that the thieved documents are available with accused 2 and 3 or that it may be available in the place of permanent residence of the accused persons. The petitioner prays for a direction to the police to take emergent and efficient steps to secure her travel documents.

4. In the facts and circumstances of this case, I am certainly of the opinion that the police must show a sense of emergency in conducting the investigation. I expect the Investigating Officer to show such anxiety and concern.

5. Call this petition again on 22.10.2007. Active efforts must be taken to conduct the investigation during this period. Every endeavour must be made to file the final report by then. By the next date of posting, a statement shall be filed by the Investigating Officer explaining the steps that have been taken for the proper conduct of the investigation.

6. Hand over the order.

(R. BASANT)
Judge

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